WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
bk@wildelaw.com
Fax: 702 258-8787

Electronically Filed on ___________

Attorneys for BAC Home Loans Servicing, L.P.
fka Countrywide Home Loans Servicing L.P.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re: PAUL M. SPRADA SUSAN AGNES SPRADA Debtors.	BK-S-09-19424-mkn Date: December 10, 2009 Time: 2:30pm Chapter 13

OPPOSITION TO MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY RIGHTS OF BAC HOME LOAN SERVICING, LP/BANK OF AMERICA, NA, /COUNTRYWIDE BANK, FSB, ITS SUCCESSORS AND/OR ASSIGNS PURSUANT TO 11 U.S.C. §506(a) AND §1322

COMES NOW, BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing L.P. (hereinafter "Secured Creditor") and files this Opposition stating as follows:

Secured Creditor is the first deed of trust holder on real property located at 4908 Stacey Ave., Las Vegas, NV 89108 (hereinafter "subject property"). According to the Debtors, at the time of their petition, Secured Creditor was owed $202,270.44 on the first deed of trust. The subject property is encumbered by two other junior mortgages. The Debtors' motion is unclear on which lien it intends to strip. Prior to the Court making a determination on value and modifying any of the Secured Creditor's liens on the subject property, the Court should allow Secured Creditor to 1) obtain its own valuation of

the subject property, and 2) conduct limited discovery to verify that the Debtors are being truthful with the Court as detailed below.

The Subject Property appears to be the Debtors' personal residence. The Debtors list the subject property as their address on their petition. (See exhibit "A"). The Subject Property is the only real property that the Debtors own in Clark County according to the Assessor's website and was purchased as their residence in October of 2003. (See exhibit "B"). In addition, the Debtors' petition shows no signs of the subject property being anything other than the Debtors' personal residence. (E.g., schedule "I" does not disclose any rental income; schedule "G" does not have any leases; and schedule "B" does not show any landlord deposits.) (See exhibits "C", "D", and "E" respectively). Therefore, the subject property is Debtors' personal residence and Secured Creditor's first deed of trust is not subject to a lien-strip of any kind pursuant to 11 USC 1322. There are far too many unanswered questions to treat the subject property as a rental and strip a large portion of Secured Creditor's interest in the same (assuming, that is the Debtors' intention). If the Debtors' do not intend to strip the first deed of trust, then the Secured Creditor kindly requests they clarify this in their motion.

Finally, Secured Creditor disputes Debtors' $173,000.00 valuation of the property. If the Court is inclined to allow the Debtor to go forward, Secured Creditor asks for some time to obtain its own appraisal.

WHEREFORE, Secured Creditor asks that this Court deny the requested relief.

DATED this 7th day of December, 2009.

WILDE & ASSOCIATES

By /S/GREGORY L. WILDE

GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
208 South Jones Boulevard
Las Vegas, Nevada 89107

<u>Certificate of Facsimile</u>

I certify that on December 7, 2009, I served a copy of the foregoing opposition on Debtors' Counsel by facsimile as follows:

Jorge L. Sanchez, Esq.
Sanchez Law Group, Ltd.
Fax No.

CWatkins

B6A (Official Form 6A) (12/07)

In re **Paul M. Sprada,**
Susan Agnes Sprada
, Debtors

Case No. ____________________

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
4905 Stacey Avenue Las Vegas, NV 89108		**C**	**226,500.00**	**249,110.00**

Sub-Total > **226,500.00** (Total of this page)

Total > **226,500.00**

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

EXHIBIT A

GENERAL INFORMATION	
PARCEL NO.	138-24-611-017
OWNER AND MAILING ADDRESS	SPRADA PAUL M 4908 STACEY AVE LAS VEGAS NV 89108-3072
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	4908 STACEY AVE UNINCORP. COUNTY
ASSESSOR DESCRIPTION	CURTIS PARK MANOR UNIT #4 PLAT BOOK 6 PAGE 11 LOT 18 BLOCK 10 SEC 24 TWP 20 RNG 60
RECORDED DOCUMENT NO.	* 20031030:01895
RECORDED DATE	10/30/2003
VESTING	NO STATUS
COMMENTS	C-20041117:1941

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	125
APPRAISAL YEAR	2009
FISCAL YEAR	09-10
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2009-10	2010-11
LAND	33250	21000
IMPROVEMENTS	23288	20938
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	56538	41938
TAXABLE LAND+IMP (SUBTOTAL)	161537	119823
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	56538	41938
TOTAL TAXABLE VALUE	161537	119823

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	0.44 Acres
ORIGINAL CONST. YEAR	1963
LAST SALE PRICE MONTH/YEAR	215000 10/03
LAND USE	1-10 RESIDENTIAL SINGLE FAMILY
DWELLING UNITS	1

PRIMARY RESIDENTIAL STRUCTURE

EXHIBIT B

TOTAL LIVING SQ. FT.	1794	**CARPORT SQ. FT.**	0	**ADDN/CONV**	CONVERSION
1ST FLOOR SQ. FT.	1794	**STORIES**	ONE STORY	**POOL**	YES
2ND FLOOR SQ. FT.	0	**BEDROOMS**	3	**SPA**	NO
BASEMENT SQ. FT.	0	**BATHROOMS**	2 FULL	**TYPE OF CONSTRUCTION**	FRAME STUCCO
GARAGE SQ. FT.	660	**FIREPLACE**	1	**ROOF TYPE**	COMP SHINGLE

B6I (Official Form 6I) (12/07)

In re Paul M. Sprada
Susan Agnes Sprada
Debtor(s)

Case No. ____________

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):
Married	None.	

Employment:	DEBTOR	SPOUSE
Occupation		
Name of Employer	Self Employed	Unemployed
How long employed		
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	$ 4,000.00	$ 0.00
2. Estimate monthly overtime	$ 0.00	$ 0.00
3. SUBTOTAL	$ 4,000.00	$ 0.00
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$ 0.00	$ 0.00
b. Insurance	$ 0.00	$ 0.00
c. Union dues	$ 0.00	$ 0.00
d. Other (Specify):	$ 0.00	$ 0.00
	$ 0.00	$ 0.00
5. SUBTOTAL OF PAYROLL DEDUCTIONS	$ 0.00	$ 0.00
6. TOTAL NET MONTHLY TAKE HOME PAY	$ 4,000.00	$ 0.00
7. Regular income from operation of business or profession or farm (Attach detailed statement)	$ 0.00	$ 0.00
8. Income from real property	$ 0.00	$ 0.00
9. Interest and dividends	$ 0.00	$ 0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	$ 0.00	$ 0.00
11. Social security or government assistance		
(Specify): SSI Disability	$ 0.00	$ 310.00
	$ 0.00	$ 0.00
12. Pension or retirement income	$ 0.00	$ 0.00
13. Other monthly income		
(Specify):	$ 0.00	$ 0.00
	$ 0.00	$ 0.00
14. SUBTOTAL OF LINES 7 THROUGH 13	$ 0.00	$ 310.00
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	$ 4,000.00	$ 310.00
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	$ 4,310.00	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

EXHIBIT C

B6G (Official Form 6G) (12/07)

In re **Paul M. Sprada,**
Susan Agnes Sprada
Debtors

Case No. ____________

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

■ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.

0 continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

EXHIBIT D

B6B (Official Form 6B) (12/07)

In re **Paul M. Sprada,**
Susan Agnes Sprada

Debtors

Case No. ______________________

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		**Wells Fargo Checking Acct**	C	**500.00**
		Wells Fargo Checking Acct	C	**500.00**
		Wells Fargo Savings Acct	C	**400.00**
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		**Household Goods**	C	**3,000.00**
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		**Clothing**	C	**1,000.00**
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		**Life Insurance through CU Life**	C	**25,000.00**
		Prudential Life insurance	C	**15,000.00**
		Prudential Life Insurance	C	**25,000.00**
		Prudential Life Insuarnce	C	**44,000.00**
10. Annuities. Itemize and name each issuer.	X			

Sub-Total > **114,400.00**
(Total of this page)

2 continuation sheets attached to the Schedule of Personal Property

EXHIBIT E

B6B (Official Form 6B) (12/07) - Cont.

In re **Paul M. Sprada,**
Susan Agnes Sprada

Case No. ______________

Debtors

SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		**HSBC IRA**	**C**	**20,000.00**
		HSBC IRA	**C**	**2,000.00**
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.		**2009 Federal Tax Refund**	**C**	**Unknown**
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			

Sub-Total > **22,000.00**
(Total of this page)

Sheet **1** of **2** continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re **Paul M. Sprada,**
Susan Agnes Sprada , Case No. ____________
Debtors

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		**1991 GMC Pickup**	**C**	**2,000.00**
		1980 Chevrolet Pickup	**C**	**1,000.00**
		1988 Buick LeSabre	**C**	**2,000.00**
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > **5,000.00**
(Total of this page)
Total > **141,400.00**

Sheet 2 of 2 continuation sheets attached to the Schedule of Personal Property

(Report also on Summary of Schedules)